

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 571 - SB 977**

March 17, 2015

**SUMMARY OF BILL:** Entitles a child to legal representation in truancy proceedings.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – \$630,300/Indigent Defense Fund**

Assumptions:

- Under current law, public defenders represent indigent persons in “any criminal prosecution or juvenile delinquency proceeding involving a possible deprivation of liberty.
- Under the bill, children involved in truancy proceedings will be entitled to legal representation. Children are entitled to legal representation in delinquency proceedings if the child is in jeopardy of being removed from their home, some of which include truancy proceedings. If these children are indigent, then counsel is appointed for them.
- Appointed attorneys are reimbursed from the Indigent Defense Fund. Data from the AOC shows that there were 9,585 truancy cases referred to juvenile courts in 2013. It is assumed that 16.5 percent (1,582) of these are duplicate cases. Of the remaining 8,003 truancy cases (9,585 – 1,582), it is assumed that 1,000 of these involve children in jeopardy of being removed from their home. In these cases, children would already have an attorney appointed to them under the law, and will not increase expenditures from the Indigent Defense Fund.
- Of the remaining 7,003 truancy cases (8,003 – 1,000), it is assumed that parents will provide an attorney for the child in 40 percent of the cases. The other 60 percent of cases (7,003 x .6 = 4,202 cases) will result in additional claims made to the Indigent Defense Fund.
- It is assumed that the average claim for a truancy proceeding will be \$150. The bill will increase expenditures from the Indigent Defense Fund by \$630,300 (4,202 cases x \$150).

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink, reading "Jeffery A. Spalding".

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Jeffrey L. Spalding, Executive Director

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